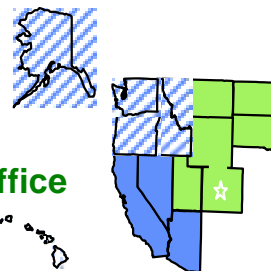




**U.S. Army Environmental Center**  
**Western Regional Environmental Office**

**REGION VIII - SEPTEMBER 1999**



## **WESTERN REGION REVIEW**

This publication provides current information on significant regulatory and legislative developments and related information in the Federal Region VIII area (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming) that affect U.S. Army activities and operations. We appreciate your feedback and encourage you to submit suggestions for future discussion. Please contact us at, Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-1748, commercial (303) 289-0125, DSN 749-2125, FAX (303) 289-0272, or e-mail: [redgerto@pmrma-emh1.army.mil](mailto:redgerto@pmrma-emh1.army.mil).

### **WESTERN REGIONAL REVIEWS AVAILABLE ON THE INTERNET**

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

### **FEDERAL REGULATORY DEVELOPMENTS**

#### **Clean Water Act (CWA):**

##### **Administration/EPA Proposes Major Revisions to the TMDL Program**

On 14 August 1999, President Clinton announced proposed revisions to the U.S. Environmental Protection Agency's (EPA) Total Maximum Daily Load (TMDL) program. The proposed rule would strengthen non-point source pollution regulation by the EPA, while allowing States to tailor solutions to non-point source pollution on a site-specific basis. Under the Clean Water Act (CWA), States are required to assess waterbodies and list those that fail to meet water quality standards. TMDLs are then developed for each impaired waterbody to which allocate loadings of certain pollutants among dischargers to that waterbody.

The EPA is also proposing to revise the National Pollutant Discharge Elimination System (NPDES) to incorporate TMDLs and allow for a credit-trading program. The revised rule may also authorize the EPA to designate certain historical non-point sources as point sources. The States maintain that the EPA does not have the authority to regulate non-point sources under the CWA, and lawsuits contesting the rule will likely be launched. The EPA expects to release the final TMDL rule in late 1999. For more information on the proposed rule, including state-by-state maps and lists of impaired waters, visit: <http://www.epa.gov/owow/tmdl/> on the Internet.

##### **President Clinton Signs Water Resources Development Act**

On 17 August 1999, President Clinton signed the Water Resources Development Act that authorizes \$6.3 billion in U.S. Army Corps of Engineers flood control, navigation, shore protection and environmental restoration projects. The Act authorizes \$200 million over five years beginning in 2001 for the "Challenge 21" program, and funding would become available upon appropriation. The Challenge 21 program is part of the President's Clean Water Action Plan and budget initiative. Challenge 21 is a pilot program for nonstructural flood control and riverine restoration. A three-page summary of the Act, prepared by the House Transportation and Infrastructure Committee, and the conference report are available at: <http://www.house.gov/transportation/index.html> on the Internet.

**Endangered Species Act (ESA):****American Peregrine Falcon Delisted From the ESA**

The U.S. Fish and Wildlife Service (FWS) has determined that the American peregrine falcon (*Falco peregrinus anatum*) is no longer an endangered or threatened species pursuant to the Endangered Species Act (ESA). This determination is based on available data indicating that this subspecies has recovered following restrictions on organochlorine pesticides in the United States and Canada, and following the implementation of successful management activities, including those on military lands. This action will remove the falcon as an endangered species from the Federal List of Endangered and Threatened Wildlife, thereby removing all protections provided by the ESA. It also will remove the designation of "endangered due to similarity of appearance" for any free-flying peregrine falcons within the 48 conterminous United States. It will not affect protection provided to this species by the Migratory Bird Treaty Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or state laws and regulations. The American peregrine falcon is a known inhabitant of the following military installations: AMC (Deseret, Dugway Proving Grounds, Rocky Mountain Arsenal, Sierra Army Depot, and Toole); ARNG (Ashland, Navajo, and Rilea); FORSCOM (Fort Carson and Pinon Canyon); TRADOC (Fort Huachuca); USARC (Fort Hunter-Liggett); USARPAC (Fort Greeley, Fort Richardson, and Fort Wainwright). A monitoring plan was provided in the proposed delisting rule on 26 August 1998 (63 FR 45446). The FWS is currently developing a revised monitoring plan which will be made available for public review in the Federal Register in the near future. The ruling is effective as of 25 August 1999. For additional information, contact the FWS at (805) 644-1766.

**Notice of Intent to Prepare an EIS on Resident Canada Goose Management**

The FWS is issuing a notice to advise the public that they are initiating efforts to prepare an Environmental Impact Statement (EIS) for resident Canada goose management under the authority of the Migratory Bird Treaty Act. The EIS will consider a range of management alternatives for addressing expanding populations of locally-breeding Canada geese that are increasingly posing threats to human health and safety and injuring personal and public property. The notice describes possible alternatives, invites public participation in the scoping process for preparing the EIS, and identifies the FWS official to whom you may direct questions and comments. While the FWS has yet to determine potential sites of public scoping meetings, it will publish a notice of any such public meetings with the locations, dates, and times in the Federal Register. Resident geese control is an issue on many military installations. Contact the FWS at (703) 358-1714 for additional information.

**Environmental Protection and Community Right-to-Know Act (EPCRA):****EPA Proposes to Expand "Right-to-Know" About Lead Hazards**

In another step to expand the public's right to know about toxic chemicals released into local communities, the EPA is proposing to require significantly more public reporting on lead emissions. Currently, facilities are not required to report their lead and lead compound releases to the air, water and land unless they manufacture or process more than 25,000 pounds annually or use more than 10,000 pounds annually. Under today's proposal the reporting thresholds would be lowered to 10 pounds per facility per year and substantially increase the amount of information made available to the public. This action would significantly increase reporting of public information under the Toxic Release Inventory Program. Copies of the announcement are available on-line at <http://www.epa.gov/fedrgstr/> or by calling the EPA at (800) 553-0202. General information about lead is available at <http://www.epa.gov/lead/>. Information about the EPA's Toxics Release Inventory is available at <http://www.epa.gov/opptintr/tri/>.

**Miscellaneous:****EPA Issues Guidance on Government Purchasing of Green Products**

On 14 September 1998, President Clinton signed Executive Order (EO) 13101, entitled "Greening the Government through Waste Prevention, Recycling and Federal Acquisition. As an outcome of the EO, the EPA developed "Acquisition of Environmentally Preferable Products and Services" guidance that assists Executive agencies in identifying and purchasing products and services that are less harmful to human health and the environment. By complying with this EO federal agencies will fulfill many of the Administration's priorities. These priorities include: 1) creating a greater demand for "greener" products and services and making them more widely available to all consumers; 2) purchasing greener products that minimize the amount of waste and toxicity; and 3) encouraging partnerships among federal agencies to share expertise in their environmentally preferable purchasing efforts. Notice of the EO is available on the Internet at <http://www.epa.gov/homepage/fedrgstr/>. More information on the Environmentally Preferable Purchasing Program is available at <http://www.epa.gov/opptintr/epp/>.

**EPA Recognizes DoD's Pesticide Management Program**

The EPA is giving the Department of Defense a Special Achievement Award in recognition of efforts to reduce pesticide use and risks across all of its major installations. The DoD reduced its pesticide usage by 50 percent, from 892.4 million pounds of active ingredient in 1993 to 450.6 million pounds in 1998. The DoD's Armed Forces Pest Management Board developed its pesticide risk reduction strategy in cooperation with the EPA and other federal agencies and organizations actively working to establish programs that effectively reduce health and environmental risks associated with pesticide use. More information on the DoD's program and the EPA's Pesticide Environmental Stewardship Program is available on-line at <http://www.epa.gov/pesticides/peesp/>.

**CONFERENCES AND SYMPOSIUMS**

- **30 November -2 December 1999: Partners in Environmental Technology - Arlington, VA.** The Strategic Environmental Research and Development Program (SERDP) will hold its 1999 technical symposium and workshop entitled "Meeting Today's Needs While Preserving Our Future." The forum will feature comprehensive sessions that will address opportunities to mitigate or eliminate environmental impacts and preserve natural resources for future generations. Contact the SERDP at (703) 736-4548 or download registration materials from the Internet at <http://www.serdp.org/>.

**COLORADO*****Regulatory Developments*****Air Quality:**

- **Direct Final Rule: Colorado Springs Redesignation Request.** The State of Colorado has submitted a request to redesignate the Colorado Springs moderate carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The State also submitted a CO maintenance plan as well as revisions to Colorado's Regulation No. 13 (Oxygenated Fuels Program). The EPA is approving the Colorado Springs redesignation request, the maintenance plan, and the revisions to Regulation No. 13. This direct final rule is effective on 25 October 1999 without further notice, unless the EPA receives adverse comments by 24 September 1999. For additional information on this action, contact the EPA at (303) 312-6479.

- **Proposed Rule: Air Quality Control Commission Public Meeting.** The Colorado Department of Public Health and Environment (CDPHE), Air Quality Control Commission, will consider revisions to Regulation No. 3 (Permits), Regulation No. 6 (New Source Performance Standards), and Regulation No. 8, Part A (federal National Emissions Standards for Hazardous Air Pollutants) for incorporation by reference of EPA requirements. The Commission will also consider adoption by reference of NSPS and MACT standards. A public meeting will be held at the Ramada Inn in Greeley, CO on 21 October 1999. For additional information, contact the CDPHE at (303) 691-7702.

#### **Solid/Hazardous Waste:**

- **Proposed Rule: Hazardous Waste Management Facilities.** The CDPHE, Hazardous Waste Commission, will consider proposed amendments to 6 CCR 1007-3, Parts 100, 264, and 265 (standards applicable to owners and operators of closed/closing hazardous waste management facilities and the post-closure permit requirement and closure process). Alternative proposals relating to the proposed regulations will be considered. A public meeting will be held on 21 September 1999 at the CDPHE offices in Denver. Contact the CDPHE at (303) 691-7702 for additional information.
- **Proposed Rule: Land Disposal Restrictions.** The CDPHE, Hazardous Waste Commission, will consider proposed amendments to 6 CCR 1007-3, Parts 261, 262, and 268 (land disposal restrictions phase IV - treatment standards for metal wastes and mineral processing wastes). Alternative proposals relating to the proposed regulations will be considered. A public meeting will be held on 21 September 1999 at the CDPHE offices in Denver. Contact the CDPHE at (303) 691-7702 for additional information.

## **MONTANA**

### ***Regulatory Developments***

#### **Air Quality:**

- **Proposed Rule: SIP Approval.** The EPA is proposing to partially approve and partially disapprove the Billings/Laurel sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) revisions submitted by the State of Montana. The SIP revisions establish emission limitations for SO<sub>2</sub> in the Billings/Laurel area. The intended effect of this action is to make those provisions that the EPA is proposing to approve federally enforceable, and to establish the sequence of sanctions if EPA's proposed disapproval becomes a final action. The EPA is taking this action under sections 110 and 179 of the Clean Air Act. Additional information is available by calling the EPA at (303) 312-6437.

## **NORTH DAKOTA**

### ***Regulatory Developments***

#### **Air Quality:**

- **Direct Final Rule: Clean Air Act Approval.** The EPA approves revisions to the State Implementation Plan (SIP) submitted by the State of North Dakota. The revisions affect air pollution control rules regarding general provisions, ambient air quality standard, emissions of particulate matter and organic compounds, and permits to construct. The EPA will handle separately the revisions to the Title V operating permit program, a direct delegation request for emission standards for hazardous air pollutants for source categories, and the State's plan for hospital, medical, and infectious waste incinerators. The EPA is also providing notice that North Dakota has been delegated authority to implement and enforce the New Source Performance Standards (NSPS) in 40 CFR part 60 (excluding subpart Eb). This direct final rule is effective on 1 November 1999 without further

notice, unless EPA receives adverse comment by 30 September 1999. For additional information, contact the EPA at (303) 312-6449.

## SOUTH DAKOTA

### *Regulatory Developments*

#### **Solid/Hazardous Waste:**

- **Proposed Rule: State Hazardous Waste Management Program Revision.** The State of South Dakota has applied to the EPA for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and is proposing to authorize the State's changes through this proposed action. Additional information may be obtained by contacting the EPA at (303) 312-6139.

## UTAH

### *Regulatory Developments*

#### **Solid/Hazardous Waste:**

- **Proposed Rule: Groundwater Monitoring Requirements.** The Utah Department of Environmental Quality (UDEQ) proposes to amend Regulation R315-308, Groundwater Monitoring Requirements. The UDEQ proposes to: allow increased flexibility in the schedule for collecting the information required to establish background concentrations for ground water constituents at a solid waste disposal facility; clarify information that must be submitted in the annual report on the ground water monitoring at a solid waste disposal facility; and update the ground water protection standard for several constituents as a result of new information. Contact the UDEQ at (801) 538-6170 for more information.
- **Proposed Rule: Waste Tire Recycling.** The UDEQ proposes to amend Regulations 315-310, Permit Requirements for Solid Waste Facilities, and 315-314, Facility Standards for Piles Used for Storage and treatment. The rule would be amended to require a permit for waste tire storage facilities and to specify the contents of the permit application. The contents of a solid waste permit application with respect to information required on ground water monitoring plans, landfill gas monitoring plans, quality control plans, and quality assurance plans would be clarified. Also, the applicability of the rule, the requirements for tires stored in a fence, and the requirements for tires stored in piles at a tire recycler facility would be clarified. Contact the UDEQ at (801) 538-6170 for additional information.

#### **Endangered Species:**

- **Notice: Withdrawal of the Proposed Rule to List the Least Chub as Endangered.** The U.S. Fish and Wildlife Service (FWS) announces its intention to withdraw the proposed rule to list the least chub (*Lotichthys phlegethontis*) as an endangered species with critical habitat pursuant to the Endangered Species Act (ESA). After reviewing all available scientific and commercial information the FWS finds that the least chub is no longer likely to become endangered in the foreseeable future throughout all or a significant portion of its range. Conservation activities implemented in the last several years have significantly reduced threats to the least chub's habitat. Extensive monitoring of the status of the species indicates that the status of the least chub has improved. The known range of the least chub was enlarged by the inclusion of three previously unknown populations discovered during surveys in historical habitats. The State of Utah and other stakeholders have implemented the Least Chub Conservation Agreement and Strategy. This Agreement calls for enhancement, maintenance, and

protection of least chub habitat, as well as the development of mitigation protocols for proposed water development and future habitat alteration. Contact the FWS at (801) 524-5001 for additional information.

<b>WYOMING</b>
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### ***Regulatory Developments***

**Notice: TMDL Advisory Workgroup.** The Wyoming Department of Environmental Quality (WDEQ) will host an advisory workshop for Total Maximum Daily Load (TMDL) consideration on 12 October 1999. The workgroup was formed in the fall of 1997 by the WDEQ to assist the agency with implementation of the state's TMDL work plan. The workshop will focus on the initial steps to develop the State's list of water bodies that are not meeting their beneficial use because of pollution loading. The workgroup will provide recommendations to the WDEQ on their preliminary proposals for listing of water bodies. The workgroup will also be briefed on new proposed federal regulations for TMDLs and protocols for monitoring large streams and lakes. The meeting is open to the public. For more information, interested persons may review the detailed agenda via the Internet at <http://deq.state.wy.us/>.